



City of Gaithersburg

31 South Summit Avenue
Gaithersburg, Maryland 20877

DRAFT

Mayor and City Council Regular Session Meeting Minutes City Hall - Council Chambers Monday, March 4, 2013

A Mayor and City Council Regular Session was called to order with Mayor Katz presiding. Council Members present: Jud Ashman, Cathy C. Drzyzgula, Henry F. Marraffa, Ryan Spiegel, John Bauer, Lloyd Kaufman, Geri Lanier, Matthew Hopkins, Danny Winborne. Staff present: City Manager Tomasello, City Attorney Board, and Municipal Clerk Stokes.

Planning Commission present for joint public hearing: Bauer, Kaufman, Lanier, Hopkins, and Winborne.

Other Staff: Arnoult, Potter, Schlichting, Pruss, and Lonergan

I. CALL TO ORDER

II. PLEDGE OF ALLEGIANCE

The Pledge was led by Ian Miller and Greg Pasteur, Troop 207.

III. INVOCATION

In lieu of an invocation, Mayor Katz called for a moment of silence.

IV. APPROVAL OF MINUTES

A. Regular Meeting Held February 19, 2013

Motion was made by Jud Ashman, seconded by Cathy C. Drzyzgula, that Regular Meeting Held February 19, 2013, be approved.

Vote: 4-0

V. CONSENT

A. Resolution of the Mayor and City Council Authorizing the City Manager to Extend Contract for Comprehensive Professional Services to Provide Program Support for the Capital Projects and Facilities Division of the Public Works Department

This resolution authorized the City Manager to extend a contract with Vincent E. Mandley, 9906 Broad Street, Bethesda Maryland 20814, in the amount of Twenty-

One Thousand Dollars (\$21,000) for comprehensive professional services to support the Capital Projects and Facilities Division of the Public Works Department; said funds to be expended from the Operating Budget.

Motion was made by Henry F. Marraffa, seconded by Ryan Spiegel, that Resolution of the Mayor and City Council Authorizing the City Manager to Extend Contract for Comprehensive Professional Services to Provide Program Support for the Capital Projects and Facilities Division of the Public Works Department, be approved.

Vote: 4-0

B. Resolution of the Mayor and City Council Authorizing the City Manager to Enter into a Contract for the Teacher's Way Construction Materials Testing and Inspection Services

This resolution authorized the City Manager to award a contract for these services with Johnson, Mirmiran & Thompson, Inc., 72 Loveton Circle, Sparks, Maryland, 21152, in the amount of Forty-Six Thousand Four Hundred Twenty-Seven Dollars (\$46,427); said funds to be expended from the Capital Improvements Budget.

Motion was made by Henry F. Marraffa, seconded by Ryan Spiegel, that Resolution of the Mayor and City Council Authorizing the City Manager to Enter into a Contract for the Teacher's Way Construction Materials Testing and Inspection Services, be approved.

Vote: 4-0

C. Resolution of the Mayor and City Council Authorizing the City Manager to Enter into a Contract for the 2013 Green Street Retrofit

This resolution authorized the City Manager to award a contract for the 2013 Green Street Retrofit to Olney Masonry Corporation, 6701 Ammendale Road, Beltsville, Maryland 20705, in the estimated amount of Seventy-Four Thousand Nine Hundred Dollars (\$74,900), with a construction contingency of Eleven Thousand Two Hundred Thirty-Five Dollars (\$11,235), for a total of Eighty-Six Thousand One Hundred Thirty-Five Dollars (\$86,135); said funds to be expended from the Capital Improvements Budget.

Motion was made by Henry F. Marraffa, seconded by Ryan Spiegel, that Resolution of the Mayor and City Council Authorizing the City Manager to Enter into a Contract for the 2013 Green Street Retrofit, be approved.

Vote: 4-0

VI. PRESENTATIONS

A. 2012 Overview and Upcoming Projects and Events of Hospice Caring, Inc.

Jeannette Mendonca, Executive Director of Hospice Caring, Inc., thanked the

Mayor and City Council and staff for their support and provided an overview of their 2012 successes and initiatives planned for 2013. The organization provides non-medical services and support to the community. Reported that Hospice Caring, Inc. is approaching their 25th anniversary. In addition, she thanked the highly trained volunteers of over 435 individuals. A new addition to the Hospice Gardens at the Cottage will include the Indoor Memorial Garden and a proposed Children's Garden. The presentation highlighted the following: an Alzheimer's Dementia Initiative; recognition as one of nine DC metro nonprofits to be profiled as a Volunteer Engagement Star in the Center for Non Profit Advancement by the Governor; awarded the Maryland Association of Nonprofit Organizations' Seal of Excellence.

Hospice was thanked and commended for the excellent service provided to many families.

VII. PUBLIC COMMENTS

No speakers from the public.

VIII. FROM THE MAYOR AND CITY COUNCIL

A. Announcements

- a. Closed Executive Session on March 4, 2013
- b. Upcoming Work Session on March 11, 2013
- c. Upcoming Events and Activities - March 2013
- d. Boards, Commissions, and Committees Vacancies
- e. Ethics Commission Vacancy

Jud Ashman

- 1. Announced that the Mayor and City Council are seeking an alternate to fill a vacancy on the Ethics Commission.
- 2. Visited Diamond Elementary School who is currently prepping for the "If I Were Mayor" contest.
- 3. Added to the comments above and recognized Hospice Caring, Inc. and their valuable service to the Gaithersburg community.
- 4. Urged citizens to subscribe to Alert Gaithersburg at <http://alert.gaithersburgmd.gov>. Subscribers will receive emergency notifications during a major crisis or other emergencies such as details on the snow-quester expected to hit the area.
- 5. Announced that the Gaithersburg Book Festival is scheduled for May 18, 2013, visit Gaithersburgbookfestival.org for more information.

Ryan Spiegel

- 1. Encouraged residents to prepare for the winter storm "snow-quester" that is moving across the country.

2. Reported that he and several colleagues attended the grand opening of the headquarters for Representative John Delaney. It was noted that it is the first Congressional office to open within City limits.
3. Attended the Montgomery County Chapter of the Maryland Municipal League. Reported that it was the annual meeting with the County Executive to discuss the budget and other various issues being proposed.
4. Echoed thanks to Hospice Caring for their valued service. Thanked staff for assisting the organization to achieve the mentioned projects.
5. Announced that the City will host an annual breakfast with landlords and property managers in the City.
6. Mentioned the State Legislative Luncheon scheduled for Thursday, March 7th in Annapolis. Opportunity to meet with State legislators on issues important to cities and towns in Montgomery County.
7. Announced the National League of Cities (NLC) will host their Congressional Conference on March 9 – 13 in Washington, D.C.

Henry Marraffa

1. Announced the vacancies on the various City committees, boards and commissions.
2. Stated that he will attend the NLC Conference mentioned above to serve on various committees and attend workshops.
3. Attended the Olde Towne Advisory Committee and discussed the proposed Fishman Plaza Project.

Cathy Drzyzgula

1. Announced the upcoming activities and events occurring throughout the City of Gaithersburg during the month of March 2013. More information on all events, including hours, admission fees, and ticket purchase, is available at www.gaithersburgmd.gov.
2. Travelled to Annapolis to testify before the Senate on the bill for legal ads.
3. Attended a meeting with City staff, Gaithersburg Elementary School and Montgomery County Public Schools staff to talk about traffic concerns and pedestrian safety issues. Reported that a plan will be implemented with new signage and eventually a cross walk. Urged residents to drive extra careful near area schools.
4. Reported that two contracts were approved for the construction of Teacher's Way which will extend from Gaithersburg Elementary School and connect near Gaithersburg Middle School. Completion and road opening is anticipated in the fall. The construction will provide another option to travel through Olde Towne and access the garage for new apartments.
5. Reported that the work continues on the Constitution Gardens Committee project.
6. Attended with Mayor Katz a public hearing with the County Board Supervisors of Elections. The Board had been tasked with redrawing the precinct boundaries. City representatives attended as a follow-up to concerns about the notification and meeting process. Announced that voters will be reallocated between District 920 (Gaithersburg Middle School) and District 928 (Asbury Methodist Village) to create new District 9-40 which will serve voters on either side of North Summit Avenue (between Diamond Avenue up to Midcounty Highway).

Mayor Katz**1. Requested the following:**

Motion was made by Henry F. Marraffa, seconded by, Ryan Spiegel, to conduct a closed session on immediately following its scheduled regular meeting on Monday, March 4, 2013, at City Hall. The meeting is proposed to be closed pursuant to the State Government Article of the Annotated Code of Maryland Section 10-508(a)(8) to consult with staff, consultants, or other individuals about pending or potential litigation. Topics to be discussed are potential litigation.

Vote: 4-0

2. Announced the scheduled work session on March 11, 2013 to receive updates on proposed changes to large City events.
3. Announced the next regular meeting scheduled for March 18, 2013.

IX. FROM THE CITY MANAGER

1. Reported Alert Gaithersburg experienced a glitch last week causing 1300 mobile devices on the system to become disabled due to spam messages. Commended the City's Information Technology Department for noticing and resolving the problem.
2. He and Economic Development Director Lonergan received a request from Montgomery County to give additional work to the City's consultant MuniCap on the Watkins Mill Road Interchange Project. They are asking the City to explore alternative funding mechanisms that aren't TIFs. The City's priority is to keep the project moving forward.
3. Announced that staff has been in discussion and met with a local automotive dealership about the potential donation and use of three (3) electric vehicles which will promote the City's environmental initiatives. The vehicles will be leased by the dealer reimbursed by the manufacturer.
4. Reported on the Firehouse (Kentlands) contract which was executed and the purchaser can now begin working through the approval process for the site.

X. ECONOMIC DEVELOPMENT UPDATE

1. Reported that the RFP for 315 East Diamond Avenue was completed and posted on the City's website. Submission deadline is April 15th. Thanked John Schlichting, Lauren Pruss and Wes Rhodes for their efforts on the project.
2. Attended the International Council of Shopping Centers (ICSC) Mid-Atlantic Conference on the National Harbor. Hundreds of brokers and developers from around the region were in attendance. The conference provided an opportunity to connect with retailers seeking to expand to or within the City and region.
3. Reported that the City has engaged the services of the Sage Policy Group to conduct the Frederick Avenue Corridor development capacity study. The study is

underway. Announced that the City was approved for a grant of \$50,000 through the Department of Business and Economic Development to assist with the City's cost.

XI. ORDINANCES / RESOLUTIONS / REGULATIONS

A. Resolution of the Mayor and City Council Authorizing the City Manager to Execute a Sixth Amendment to the Annexation Agreement with MedImmune - X-129

City Attorney Board presented stating that comments received during the February 19, 2013 Mayor and City Council meeting regarding the terms and conditions of the sixth amendment had been incorporate and clarified in the proposed resolution. Mentioned that staff addressed and clarified the transportation improvement provision, pedestrian and bicycle bridge but no motorized vehicles, and parking constraints along Orchard Ridge Drive. It was clarified that the above mentioned bridge will not be directly tied to the construction of the CCT. City staff and MedImmune were thanked for taking public comments into consideration.

Motion was made by Jud Ashman, seconded by Ryan Spiegel, that Resolution of the Mayor and City Council Authorizing the City Manager to Execute a Sixth Amendment to the Annexation Agreement with MedImmune - X-129, be approved.

Vote: 4-0

B. Introduction of an Ordinance to Amend Chapter 6C of the City Code Entitled "Elections" Article I "In General," Section 1 Entitled "Definitions" and Article II Entitled "Financial Contributions and Expenditures," Section 5 Entitled "Time and Manner of Reporting - Candidates", Section 6 Entitled "Reporting of Contributions and Expenditures - Political Committees", and Section 7 Entitled "Time and Manner of Reporting - Political Committees"

City Attorney Board introduced the above Ordinance that would amend Chapter 6C of the City Code Section 1 Entitled "Elections," amending the definition of a Political Committee and to add a definition of a Slate. The amendment would revise the current definition of a political committee to increase the number of persons from two (2) or more formed in any manner to three (3) or more. The amendment would increase the amount of money collected or expended from Two Hundred Fifty Dollars (\$250.00) to One Thousand Dollars (\$1,000.00). A slate would be defined in Section 6C-6 as two or more candidates who joined together to conduct and pay for joint campaign activities. In addition, the Ordinance would also amend Section 5 Entitled "Time and Manner of Reporting – Candidates" to include an additional campaign finance report due fourteen (14) days after the election due to the time allowed to contest a report by an individual. Slates would also be subjected to the same reporting requirements as are political committees.

The amendments were discussed by the Board of Supervisors of Elections (BOSE) at their meetings on January 16, 2013 and February 21, 2013 recommended the amendments.

Questions and comments were received regarding the proposed amendments. Clarification was requested and suggestions were made. It was noted that an individual can recommend a vote of a candidate but the candidate had not asked

for the endorsement. Concerns were expressed with the amendments and the public was urged to get involved in the public hearing scheduled for Monday, March 18th.

Motion was made by <MOVER>, seconded by <SECONDER>, that B. Introduction of an Ordinance to Amend Chapter 6C of the City Code Entitled "Elections" Article I "In General, " Section 1 Entitled "Definitions" and Article II Entitled "Financial Contributions and Expenditures," Section 5 Entitled "Time and Manner of Reporting - Candidates", Section 6 Entitled "Reporting of Contributions and Expenditures - Political Committees", and Section 7 Entitled "Time and Manner of Reporting - Political Committees", be introduced.

Vote: 4-0

XII. JOINT PUBLIC HEARING

CTAM-1904-2013, Proposed Text Amendments Amending Requirements for Electronic Signs, Daycare Uses, Public Hearing Process and Notification Procedures, and housekeeping Amendments

Council Member Drzyzgula recused herself from the above joint public hearing.

Planning Director Pruss stated that the hearing was duly advertised in the *Gaithersburg Gazette* on February 13, 2013 and nine (9) exhibits are currently in the record file. She noted the letter received from Gaithersburg High School regarding the electronic sign portion of the proposed text amendment. A brief PowerPoint was provided to give an overview of the purpose for the amendments. In keeping with the City's strategic plan for economic development and in an effort to implement the master plan and improve transparency in the public hearing process, City Planning Staff identified a number of Zoning Ordinance provisions for improvement. Additionally, staff introduced a number of "housekeeping" amendments that will rectify minor errors and omissions and clarify adopted text to ensure transparency. Substantive changes addressed electronic signs, daycare uses throughout the City, sign posting for public hearings, and reorganizing and clarifying the text outlining the approval process for changes to Sketch Plans, Concept Site Plans, and Schematic Development Plans in the CD Corridor Development and MXD Mixed Use Development Zones. The reorganizing would allow for the Mayor and City Council to conduct a courtesy review for changes in use and pass on to the Planning Commission when deemed minor instead of coming before the Mayor and City Council and Planning Commission for public hearing.

It was noted the size of signs are still regulated by the existing ordinance. For churches and schools, the questioned footage for signage is up to 24 sq. ft. with provisions in the code allowing the applicant to request a waiver from the Planning Commission. In the commercial zones, depending on the location the total signage can be from 50 to 80 sq. ft. total signage. It was clarified that electronic signs cannot be used for private facilities and noted that commercial and industrial signs are regulated differently by zone. During their February 6, 2013 meeting, the Planning Commission unanimously voted to sponsor the proposed amendments

subject to the condition that additional regulations be included for signs within residential areas.

Speakers from the public:

1. Charles Overly, Gaithersburg High School, Business Administrator, spoke on behalf of Principal Handy-Collins, students and parents to expressed support for the amendment allowing electronic signage at the entryway of the school site. Stated that the current message board is not adequate for a school of its size.
2. Rori Ferensic, parent of a Gaithersburg High School graduate and treasurer of the school's Education Foundation, expressed support for electronic signs.

There were no other speakers at the hearing.

Motion was made by Commissioner Kaufman, seconded by Commissioner Hopkins, that the Planning Commission hold their record open for 23 days until 5 p.m. on Wednesday, March 27, 2013, with anticipated recommendation on Wednesday, April 3, 2013.

Vote: 5-0

Motion was made by Council Member Spiegel, seconded by Council Member Ashman, that the City Council hold their record open on the above for 38 days until 5 p.m. on Thursday, April 11, 2013, with anticipated policy discussion on Monday, May 6, 2013.

Vote: 4-0

XIII. FROM THE CITY ATTORNEY / OTHER STAFF

No report.

XIV. ADJOURNMENT

XV. CORRESPONDENCE

A. Outside Correspondence